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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,989	08/27/2003	Vladislav Vashchenko	100-22600 (P05659)	6742
33402	7590 08/31/2004	EXAMINER		
	CES OF MARK C. PIC	PHAM, LONG		
P.O. BOX 300 PETALUMA	-	ART UNIT	PAPER NUMBER	
FETALUMA,	, CA 94933		2814	TALER NUMBER
			2014	
			DATE MAILED: 08/31/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extresions of time may be available under the provisions of 37 CFR. 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply is specified above is tes than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If INO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 1393). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on		Application No.	Applicant(s)					
Long Pham 2814 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailling date of this communication. If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailling date of this communication. If the period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Fallies to reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication become AdMONDED (30 U.S. C. § 130). Fallies to reply within the set or eventhed period for reply will, by statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Fallies to reply within the set of the communication, even if small place, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on	Office Action Summany	10/649,989	VLADISLAV VASHCHENKO ET AL.					
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application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachment(s)	Attachment(s)							
_ ``	1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P	ite					

Application/Control Number: 10/649,989 Page 2

Art Unit: 2814

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C.
 121:

- I. Claims 14-20, drawn to semiconductor process, classified in class 438, subclass 133.
- II. Claims 1-13, drawn to semiconductor device, classified in class 257, subclass 260.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as one in which the fourth region is formed before the formation of the third region.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to -- on -- to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least

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one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 571-272-1714. The examiner can normally be reached on M-F, 7:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct_uspto.gov. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Long Pham

Primary Examiner

Art Unit 2814